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15 April 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Mail Stop: Patent Application**

Dear Sir:

This is a request for filing a ☐ Continuation, ☐ Divisional, or ☒ Continuation-in-Part under 37 C.F.R. 1.53(b) of the prior utility patent application Serial No. **10/260,609**, filed on **1 October 2002**, entitled:

**COMPOSITIONS COMPRISING PLANT-DERIVED POLYPHENOLIC COMPOUNDS AND  
INHIBITORS OF REACTIVE OXYGEN SPECIES AND METHODS OF USING THEREOF**

by the following inventor(s):

**Stephen J. Pandol  
Anna Gukovskaya  
Moussa Yazbeck  
Guido Eibl  
Laszlo G. Boros**

The Examiner of the prior application is **James H. Reamer** and the Group Art Unit of the prior application is **1614**.

The Attorney Docket No. for the present application is **034044.021.1**.

**I. APPLICATION ELEMENTS:**

1. Preliminary Amendment
  - a. ☐ A Preliminary Amendment is enclosed (includes amendment to cross reference to related applications).
  - b. ☐ Please amend the specification by inserting after the first paragraph, the following:
2. The filing fee has been calculated on the basis of the claims existing in the prior application as amended at 1 above.

	(Col. 1)	(Col. 2)
For	No. Filed	No. Extra
Basic Fee		
Total Claims	35-20 =	15
Indep. Claims	4-3 =	1
<input type="checkbox"/> Multiple Dependent Claim Presented		

\*If the difference in Col. 1 is less than zero, enter "0" in Col. 2

SMALL ENTITY	
Rate	Fee
	\$0.00
x 9 =	
x 42 =	
+ 140 =	
Total	

or  
or  
or  
or  
or  
or

LARGE ENTITY	
Rate	Fee
	\$770.00
x 18 =	\$270.00
x 86 =	\$86.00
+ 280 =	
Total	\$1126.00

3. Small Entity Status Assertion under 35 U.S.C. 1.27(c)(1):

Applicant ☐ is ☒ is not a Small Entity.

4. ☒ Enclosed herewith is a specification containing:

- (a) 91 pages of description;
- (b) 4 pages of claims (35 claims);
- (c) 1 page of Abstract

5. ☒ Enclosed herewith are 41 sheets of drawings (Figures 1-42).

6. Oath or Declaration

- (a) ☐ A copy of the Oath or Declaration from a prior application Serial No.    , Filed on    , under 37 C.F.R. 1.63(d) which includes the Declaration as originally filed is enclosed.
- (b) ☐ An newly executed Oath or Declaration is enclosed.
- (c) ☐ A signed statement deleting inventor(s) named in the prior application under 37 C.F.R 1.63(d)(2) and 1.33(b) is enclosed.

7. An Application Data Sheet under 37 C.F.R. 1.76 ☐ is ☒ not enclosed.

8. Nucleotide and/or Amino Acid Sequence Submission ☒ is ☐ not enclosed.

- (a) ☒ A Computer Readable Form (CFR) of Sequence Listing is enclosed.
- (b) ☒ A paper copy of Sequence Listing is enclosed.
- (c) ☒ Statement verifying identity of the above copies are included in the Submission of Sequence Listing.

## II. ENCLOSURES:

We enclose the following papers for filing in the United States Patent and Trademark Office in connection with the above-identified patent application.

- 9. ☐ New assignment papers. The prior application is assigned of record to \*.
- 10. ☐ 37 C.F.R 3.73(b) Statement (where assignee).
- 11. Power of Attorney:
  - (a) ☐ The Power of Attorney to Suzannah K. Sundby, Registration No.

43,172, is in the original papers of the prior application, Serial No. \*, Filed on \*.

- (b) ☐ A copy of the Power of Attorney from the prior application, Serial No. \*, Filed on \*, is enclosed.
- (c) ☐ A newly executed Power of Attorney is enclosed.
12. ☐ Enclosed is a copy of the prior application as originally filed, namely Serial No. \*, filed on \*. The entire disclosure of the prior application is hereby incorporated by reference.
13. ☐ Information Disclosure Statement(s) and PTO 1449 which was filed in Serial No. \*, filed \*, which is relied on for an earlier filing date under 35 U.S.C. 120.
14. ☐ Copies of IDS citations.
15. ☒ 2 return receipt postcards.

### III. PETITION FOR EXTENSION OF TIME

16. ☐ A copy of the Petition for an Extension of \* Month(s) filed in the prior application, Serial No. \*, Filed on \*, to extend the life of the prior application to at least the date hereof is enclosed and
- (a) ☐ is being concurrently filed in that prior application.
- (b) ☐ was previously filed in that application.
- (c) ☒ is not necessary.
17. ☐ If a Petition for an Extension of Time is necessary and the Petition and/or the check is not enclosed, the Applicant hereby petitions the Commissioner to extend the time for response and charge any fees necessary under 37 C.F.R. 1.17(a)(1)-(5) to Deposit Account No. \*, Reference No. \*.

### IV. CORRESPONDENCE ADDRESS

The correspondence address for this application is (37 C.F.R. §1.51(vii)):

Suzannah K. Sundby, Esq.  
Smith, Gambrell & Russell, LLP  
1850 M Street, NW #800  
Washington, DC 20036

202-263-4332

### V. STATEMENT AS TO WHETHER INVENTION WAS MADE BY AN AGENCY OF THE U.S. GOVERNMENT OR UNDER CONTRACT WITH AN AGENCY OF THE U.S. GOVERNMENT. (37 C.F.R. §1.51(viii)):

**This invention was made with Government support of Grant No. 00-00776V-20071, awarded by the State of California. The Government has certain**

**rights in this invention.**

**VI. CLAIM FOR PRIORITY:**

18. ☐ Foreign priority benefits under 35 U.S.C. 119(a)-(d) is hereby claimed of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Foreign Application:      Country:      Filing Date:

19. ☐ The benefit of priority under 35 U.S.C. 119(e) is hereby claimed of the United States provisional patent application(s) listed below:
20. ☒ The benefit of priority under 35 U.S.C. 120 is hereby claimed of any United States non-provisional patent application(s) listed below:

**Serial No.: 10/260,609    Filing Date: 1 October 2002    Status: Pending**

**VII. METHOD OF FEE PAYMENT**

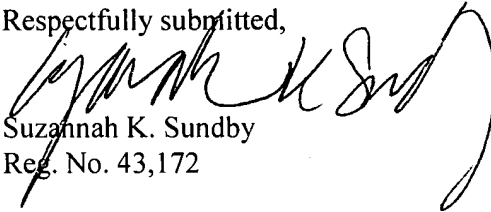
21. ☒ A check in the amount of **\$1126.00** is enclosed.
22. ☐ Please charge Deposit Account No. **02-4300**, Reference No. **034044.021.1** in the amount of **\$00**.
23. ☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **02-4300**, Reference No. **034044.021.1**. A duplicate copy of this sheet is attached.  
(a) ☒ Any additional filing fees required under 37 C.F.R. §1.16.  
(b) ☒ Any patent application processing fees under 37 C.F.R. §1.17.
24. ☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. **02-4300**, Reference No. **034044.021.1**. A duplicate copy of this sheet is enclosed.  
☒ Any patent application processing fees under 37 C.F.R. §1.17.  
☒ Any filing fees under 37 C.F.R. §1.16 for presentation of extra claims.
25. ☒ This application is being filed under Rule 53(f) and therefore the  
(a) ☐ Filing Fee is not enclosed.  
(b) ☒ Declaration is not enclosed.  
(c) ☐ All authorization to charge Deposit Account No. **\***, for 35 C.F.R. 1.16 fees previously made is revoked.

15 April 2004

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It is respectfully requested that, of the two attached post cards, one be stamped with the filing date of these documents and returned to our courier, and the other prepaid postcard be stamped with the filing date and unofficial serial number and returned as soon as possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Suzannah K. Sundby', written over the typed name and registration number.

Suzannah K. Sundby  
Reg. No. 43,172

Date: 15 April 2004

Smith, Gambrell & Russell, LLP  
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